

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

FILED IN
OPEN COURT

OCT 28 2011

BJORN MYKLATUN, an individual
Residing in Oslo, Norway, and
OIL INNOVATION, AS, a Norwegian
Company,

Plaintiffs,

v.

FLOTEK INDUSTRIES, INC., a Delaware
Corporation, CHEMICAL AND
EQUIPMENT SPECIALTIES, INC. an
Oklahoma Corporation, JERRY D. DUMAS,
SR., an individual residing in Houston,
Texas, and JOHN TODD SANNER, an
individual residing in Duncan, Oklahoma,

Defendants.

BY: 

Case No. CIV-09-0770-F

VERDICT FORM

We, the jury, duly empaneled and sworn in the above-entitled cause, find as follows:

PLEASE ANSWER PART 1 AS TO ALL FOUR OF THE DEFENDANTS

PART 1 - PLAINTIFFS' FRAUD CLAIM

AS TO DEFENDANT, FLOTEK INDUSTRIES, INC.:

PLEASE SELECT EITHER A OR B:

A. X In favor of plaintiffs and against defendant, Flotek Industries, Inc., on the fraud claim.

OR

B. _____ In favor of defendant, Flotek Industries, Inc., and against plaintiffs on the fraud claim.

AS TO DEFENDANT, CHEMICAL AND EQUIPMENT SPECIALITIES, INC. (CESI):

PLEASE SELECT EITHER A OR B:

A. X In favor of plaintiffs and against defendant, Chemical and Equipment Specialities, Inc., on the fraud claim.

OR

B. In favor of defendant, Chemical and Equipment Specialities, Inc., and against plaintiffs on the fraud claim.

AS TO DEFENDANT, JERRY D. DUMAS, SR.:

PLEASE SELECT EITHER A OR B:

A. In favor of plaintiffs and against defendant, Jerry D. Dumas, Sr., on the fraud claim.

OR

B. X In favor of defendant, Jerry D. Dumas, Sr., and against plaintiffs on the fraud claim.

AS TO DEFENDANT, JOHN TODD SANNER:

PLEASE SELECT EITHER A OR B:

A. In favor of plaintiffs and against defendant, John Todd Sanner, on the fraud claim.

OR

B. X In favor of defendant, John Todd Sanner, and against plaintiffs on the fraud claim.

IF YOU HAVE NOT FOUND IN FAVOR OF PLAINTIFFS AS TO ANY DEFENDANT IN PART 1, ABOVE, YOU HAVE COMPLETED YOUR WORK, AND THE FOREPERSON SHOULD SIGN AND DATE THE VERDICT FORM. OTHERWISE, PROCEED TO PART 2.

PLEASE ANSWER PART 2 AS TO ALL FOUR OF THE DEFENDANTS

PART 2 - PLAINTIFFS' CIVIL CONSPIRACY CLAIM

AS TO DEFENDANT, FLOTEK INDUSTRIES, INC.:

PLEASE SELECT EITHER A OR B:

A. _____ In favor of plaintiffs and against defendant, Flotek Industries, Inc., on the civil conspiracy claim.

OR

B. X In favor of defendant, Flotek Industries, Inc., and against plaintiffs on the civil conspiracy claim.

AS TO DEFENDANT, CHEMICAL AND EQUIPMENT SPECIALITIES, INC. (CESI):

PLEASE SELECT EITHER A OR B:

A. _____ In favor of plaintiffs and against defendant, Chemical and Equipment Specialities, Inc., on the civil conspiracy claim.

OR

B. X In favor of defendant, Chemical and Equipment Specialities, Inc., and against plaintiffs on the civil conspiracy claim.

AS TO DEFENDANT, JERRY D. DUMAS, SR.:

PLEASE SELECT EITHER A OR B:

A. _____ In favor of plaintiffs and against defendant, Jerry D. Dumas, Sr., on the civil conspiracy claim.

OR

B. X In favor of defendant, Jerry D. Dumas, Sr., and against plaintiffs on the civil conspiracy claim.

AS TO DEFENDANT, JOHN TODD SANNER:

PLEASE SELECT EITHER A OR B:

A. _____ In favor of plaintiffs and against defendant, John Todd Sanner, on the civil conspiracy claim.

OR

B. X In favor of defendant, John Todd Sanner, and against plaintiffs on the civil conspiracy claim.

PLEASE ANSWER PART 3 ONLY IF YOU HAVE FOUND IN FAVOR OF PLAINTIFFS IN PART 1 (PLAINTIFFS' FRAUD CLAIM) AGAINST ANY DEFENDANT OR HAVE FOUND IN FAVOR OF PLAINTIFFS IN BOTH PART 1 (PLAINTIFFS' FRAUD CLAIM) AND PART 2 (PLAINTIFFS' CIVIL CONSPIRACY CLAIM) AGAINST ANY DEFENDANT.

PART 3

ACTUAL DAMAGES

We award plaintiffs actual damages in the amount as follows:

Economic Damages \$ 107,000.00
plus legal fees and court costs.

PLEASE ANSWER PART 4 ONLY IF YOU HAVE FOUND IN FAVOR OF PLAINTIFFS IN PART 1 (PLAINTIFFS' FRAUD CLAIM) AGAINST ANY DEFENDANT OR HAVE FOUND IN FAVOR OF PLAINTIFFS IN BOTH PART 1 (PLAINTIFFS' FRAUD CLAIM) AND PART 2 (PLAINTIFFS' CIVIL CONSPIRACY CLAIM) AGAINST ANY DEFENDANT AND HAVE AWARDED PLAINTIFFS ACTUAL DAMAGES.

IF YOU HAVE FOUND IN FAVOR OF A DEFENDANT ON BOTH OF PLAINTIFFS' FRAUD AND CIVIL CONSPIRACY CLAIMS, PLEASE DO NOT ANSWER ANY OF THESE QUESTIONS AS TO THAT DEFENDANT.

PART 4 - PUNITIVE DAMAGES - FIRST STAGE

PLEASE CHECK THE APPROPRIATE LINE FOR THESE QUESTIONS. DO NOT ANSWER THE QUESTIONS FOR A DEFENDANT IF YOU HAVE FOUND FOR THE DEFENDANT ON BOTH OF PLAINTIFFS' CLAIMS (e.g. THE FRAUD CLAIM AND THE CIVIL CONSPIRACY CLAIM).

AS TO DEFENDANT, FLOTEK INDUSTRIES, INC.:

We, the jury, X find / do not find by clear and convincing evidence that defendant, Flotek Industries, Inc., acted in reckless disregard of the rights of plaintiffs.

We, the jury, find / X do not find by clear and convincing evidence that defendant, Flotek Industries, Inc., acted intentionally and with malice toward plaintiffs.

AS TO DEFENDANT, CHEMICAL AND EQUIPMENT SPECIALTIES, INC. (CESI):

We, the jury, X find / do not find by clear and convincing evidence that defendant, Chemical and Equipment Specialties, Inc., acted in reckless disregard of the rights of plaintiffs.

We, the jury, find / X do not find by clear and convincing evidence that defendant, Chemical and Equipment Specialties, Inc., acted intentionally and with malice toward plaintiffs.

AS TO DEFENDANT, JERRY D. DUMAS, SR.:

We, the jury, _____ find / X do not find by clear and convincing evidence that defendant, Jerry D. Dumas, Sr., acted in reckless disregard of the rights of plaintiffs.

We, the jury, _____ find / X do not find by clear and convincing evidence that defendant, Jerry D. Dumas, Sr., acted intentionally and with malice toward plaintiffs.

AS TO DEFENDANT, JOHN TODD SANNER:

We, the jury, _____ find / X do not find by clear and convincing evidence that defendant, John Todd Sanner, acted in reckless disregard of the rights of plaintiffs.

We, the jury, _____ find / X do not find by clear and convincing evidence that defendant, John Todd Sanner, acted intentionally and with malice toward plaintiffs.

10/28/2011
DATED

Linda L Brandberry
FOREPERSON